IN THE HIGH COURT OF JUDICATURE AT PATNA

CR. WJC No.589 of 2008

Ravindra Paswan @ Jhaman Paswan @ Jhaman, son of Shri Jawajhar Paswan, Resident of Village-Basan Pur, P.S. Rahui, District Nalanda

…. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Home (Police) department, Bihar, Patna
3. The Dy. Secretary, Home (Police) department, Bihar, Patna
4. The Inspector General of Prison, Bihar, Patna
5. The District Magistrate, Nalanda at Bihar Sharif
6. The Superintendent of Police, Nalanda at Biharsharif
7. The Superintendent of Jail, Nalanda at Bihar Sharif

…….. Respondents

For the petitioner : Mr. Bajarangi Lal, Advocate
Mr. Pramod Kumar Sinha No.1,Advocate

For the respondents : Mr. Sanjay Singh,
Government Pleader-XIV

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P R E S E N T

Hon'ble the Chief Justice
&
Hon'ble Mr. Justice Kishore K. Mandal

Dated, the 01st October, 2008

Mr. Sanjay Singh, government counsel, submits, and in our view fairly, that in view of the delay in consideration of the representation dated 13th March, 2008, the detention order dated 27th February, 2008 is vitiated and cannot stand. He did not dispute that the representation was made by the detnue on 13th March, 2008 and it was decided after 33 days, i.e. on 16th April, 2008. He submitted that

delay in disposal of the representation occurred because the representation dated 13th March, 2008 was received by the State Government after thirteen days. He conceded that there is no explanation for the delay.

2. In the light of the facts noticed above concerning delay in disposal of the representation and the legal position admitted by the government counsel, the detention order no.329 dated 27th February, 2008 has to be quashed and is quashed.

3. The petitioner shall be released forthwith, if not required in any other case.

4. Criminal writ petition stands disposed of.

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R. M. Lodha, CJ

Kishore K. Mandal, J.

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